

JAN 07 2005

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**THE STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO**

In the Matter of)
JEFFREY H. GREENWALD,)
Member No. 178377,)
A Member of the State Bar.)

Case No. 04-V-15941-JMR
(S099692)

**DECISION AND ORDER APPROVING
STIPULATION TO TERMINATE ACTUAL
SUSPENSION PURSUANT TO STANDARD
1.4(c)(ii) AND RULE 205**

On December 27, 2004, Respondent Jeffrey H. Greenwald and the Office of Chief Trial Counsel of the State Bar, by and through Deputy Trial Counsel Cydney Batchelor, filed a stipulation to terminate Respondent's actual suspension under rule 205 of the Rules of Procedure of the State Bar and under standard 1.4(c)(ii), Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct as set forth in the order entered in Supreme Court Case No. S099692 (State Bar Court Case No. 99-O-13639).¹

Pursuant to the order in Supreme Court Case No. S099692 (State Bar Court Case No. 99-O-13639), Respondent was suspended from the practice of law for two years and until certain conditions were satisfied, execution stayed, and ordered that he be actually suspended for 60 days and until he makes restitution to William Ikon in the amount of \$1,600 plus 10% interest per annum from December 13, 1999, and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205. Respondent was also subject to a conditional requirement under

¹All further references to "rule" are to the Rules of Procedure of the State Bar of California, and all further references to "standard" are to the Standards for Attorney Sanctions for Professional Misconduct set forth in the Rules of Procedure of the State Bar, title IV.

1 standard 1.4(c)(ii) if he remained actually suspended pursuant to the order for two years or more.
2 The Supreme Court order was effective November 9, 2001, and Respondent has remained suspended
3 pursuant to the order since that date. Accordingly, Respondent is subject to both rule 205 and
4 standard 1.4(c)(ii).²

5 The stipulation to terminate Respondent's actual suspension provides, among other things,
6 that: (1) at the time of his default in the underlying matter, Respondent was suffering from untreated
7 chemical dependency; (2) Respondent entered into a five-year participation agreement with the State
8 Bar Lawyer Assistance Program (LAP) on April 2, 2003, and has been in full compliance. He has
9 attended weekly LAP meetings as required and has had no unexcused absences. He has never tested
10 positive for any forbidden substances. LAP reports that he has been a cooperative and willing
11 participant in the program; (3) Respondent is in full compliance with the mandatory continuing legal
12 education requirements of the State Bar; (4) Respondent passed the MPRE on November 12, 2004;
13 (5) Respondent took and passed the State Bar's Ethics School; and (6) he complied with rule 955
14 of the California Rules of Court on February 26, 2003. Based on the foregoing, the parties stipulate
15 that Respondent has demonstrated his rehabilitation pursuant to standard 1.4(c)(ii) and that his actual
16 suspension should be terminated.

17 In addition, the court finds that on February 2, 2004, Respondent made his final restitution
18 payment to William Ikon in full satisfaction of the order in Supreme Court Case No. S099692 (State
19 Bar Court Case No. 99-O-13639).

20 Respondent has another matter before this court (State Bar Court Cases No. 02-N-11589),
21 and is currently actively participating in the State Bar Court's Program for Respondent with
22 Substance Abuse or Mental Health Issues (Program). Respondent has been participating in the
23 Program since June 16, 2003, and has been in full compliance with all terms and conditions of the
24 Program. Thus, the parties and the court anticipate that any necessary or appropriate conditions of

25
26
27 ²On December 27, 2004, the parties also filed a stipulation to return Respondent to active
28 enrollment under rule 442. However, the court already terminated Respondent's inactive
enrollment pursuant to rule 442 on July 2, 2004, in State Bar Court Case No. 04-ZT-12216.
Accordingly, another stipulation is unnecessary and is hereby ordered rejected.

1 probation shall be included as part of that matter. Accordingly, the court shall not include probation
2 or any conditions of probation as part of this order relieving Respondent from his actual suspension
3 under rule 205.

4 **RULE 205 ORDER:**

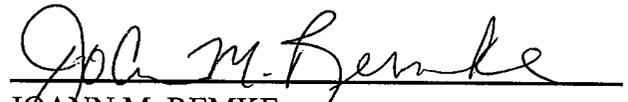
5 Finding good cause, the parties' stipulation is hereby APPROVED and it is hereby
6 ORDERED that Respondent's actual suspension under rule 205 of the Rules of Procedure is hereby
7 terminated.

8 **STANDARD 1.4(c)(ii) DECISION AND ORDER:**

9 The court further finds that the stipulation establishes by a preponderance of the evidence
10 Respondent's rehabilitation, present fitness to practice and present learning and ability in the general
11 law pursuant to standard 1.4(c)(ii). Accordingly, the stipulation is APPROVED and it is further
12 ORDERED that Respondent's actual suspension from the practice of law is hereby terminated and
13 he shall hereafter be entitled to resume the practice of law in this state upon the payment of all
14 applicable State Bar fees and previously assessed costs.

15 In light of the Stipulation, the time to seek review under rule 300 is deemed waived and the
16 decision and orders are effective upon the date filed.

17
18
19 Dated: January 7, 2005


JOANN M. REMKE
Judge of the State Bar Court

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on January 7, 2005, I deposited a true copy of the following document(s):

**DECISION AND ORDER APPROVING STIPULATION TO TERMINATE
ACTUAL SUSPENSION PURSUANT TO STANDARD 1.4(c)(ii) and RULE
205**

ORDER APPROVING STIPULATION TO EXTEND TIME TO PAY COSTS

in a sealed envelope for collection and mailing on that date as follows:

by overnight mail in San Francisco, California, addressed as follows:

**JEFFREY H. GREENWALD
75 CONEJO DR
MILLBRAE CA 94030**

by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

CYDNEY BATCHELOR, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on **January 7, 2005**.



Bernadette C. O. Molina
Case Administrator
State Bar Court